

ITEM NO.10

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

WRIT PETITION (CIVIL) Diary No(s). 29329/2021

SEEMA GIRIJA LAL & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION and IA No.727/2023-EXEMPTION FROM FILING AFFIDAVIT
and IA No.204291/2022-CONDONATION OF DELAY IN REFILING / CURING
THE DEFECTS)

Date : 13-01-2023 This petition was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Petitioner(s) Mr. K. Parameshwar, Adv.
Mr. Akshay Sahay, Adv.
Mr. A. Karthik, AOR
Ms. Smrithi Suresh, Adv.
Ms. Sreepriya K., Adv.
Mr. Arsh Khan, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

- 1 The petitioners are members of a forum for parents, professionals and other stake holders dealing with the rights of children with disabilities. The petitioners have highlighted that the diverse provisions of the Rights of Persons with Disabilities Act 2016 have not been implemented by the States.
- 2 Mr K Parameshwar, counsel appearing on behalf of the petitioners has placed on the record a copy of the minutes of the fifth meeting of the Central Advisory

Board on Disability held on 24 June 2022 under the auspices of the Ministry of Social Justice and Empowerment (Annexure P-9). The minutes of the meeting indicate that as of the date of the meeting :

- (i) Only ten States had constituted separate departments for dealing with the entitlements of persons with disabilities;
- (ii) Only Twelve States have independent Commissioners;
- (iii) The States of Andhra Pradesh and Maharashtra and the Union Territories of Dadra and Nagar Haveli, Daman & Diu and Ladakh are yet to notify the Rules under the statute and have not constituted State Advisory Boards.

3 Moreover, it has been highlighted in the Petition :

- (i) Section 72 which envisages the constitution of District Level Committees for each district for the purpose of ensuring that the needs of persons with disabilities are met is yet to be fully implemented; and
- (ii) Though Section 101(2)(k) empowers the State Governments to frame the Rules regarding the functions and composition of the District Level Committees, without the formulation of specific rules, the Committees would remain ineffective; and
- (iii) The District Level Committees have a critical role and there is a serious gap in implementation.

6 Based on the above, we direct that notice shall presently be issued to the Union of India in the Ministry of Social Justice and Empowerment.

7 The Union Ministry shall file a counter affidavit within a period of a month dealing with the specific issues which have been raised by the petitioners in regard to

the lack of effective implementation of the Rights of Persons with Disabilities Act 2016 by the State Governments. The affidavit shall indicate Statewise, the status of compliance in regard to the matters which are raised in the petition. Within this period, the Ministry shall also convene a meeting with the State government ministries dealing with implementation of the Rights of Persons With Disabilities Act 2016.

- 8 In the meantime, we direct the Union Government to convene a meeting of all the concerned Ministries of the State Governments and the State Advisory Boards with a view to eliciting the present status of compliance. The meeting may also consider setting up a dashboard in order to elicit real-time information on the status of implementation of the Rights of Persons with Disabilities Act 2016.
- 9 We request Ms Madhavi Divan, Additional Solicitor General to assist the Court.
- 10 At this stage, we are not issuing notice to the State Governments. Based on the disclosures which are made in the affidavit of the Union Government, the Court may consider what steps should be taken to enforce compliance by the State Governments at a subsequent stage.
- 11 Liberty to correct the address of the respondent-Ministry is granted.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(MATHEW ABRAHAM)
COURT MASTER